

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-603-RJC
(3:06-cr-363-RJC-3)**

GERALD ADRIAN WHEELER,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court upon remand from the United States Court of Appeals for the Fourth Circuit for further proceedings. (Doc. No. 25: Opinion and Judgment).

IT IS, THEREFORE, ORDERED that the United States Marshal have Gerald Adrian Wheeler (Reg. No. 20977-058) present in Charlotte, North Carolina forthwith, but not later than February 28, 2018, at 9:30 a.m. for a hearing relating to his Petition for Relief under 28 U.S.C. § 2241, (Doc. No. 10).

The parties should be prepared to address the procedural implications of the government's Motion to Grant Habeas Petition and Expedite Resentencing, (Doc. No. 30), filed on November 7, 2018, subsequent to its Petition for a Writ of Certiorari filed in the Supreme Court, (Case No. 18-420), on October 3, 2018, claiming that the Fourth Circuit erred in applying the savings clause, 28 U.S.C. §2255(e), to petitioner's statutory claim, (Petition at 14).

The Clerk is directed to certify copies of this Order the defendant, the Federal Defender, the United States Attorney, the United States Solicitor General, the United States Marshals Service, the United States Probation Office, and the Clerk of the United States Court of Appeals for the Fourth Circuit.

Signed: December 20, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

